



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,027	01/28/2002	Gerald Lacour	SMARTEYE.PAT	4931

7590 04/20/2007
DAVID G. HENRY
900 Washington Avenue, 7th Floor
P.O. Box 1470
Waco, TX 77603-1470

EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
----------	--------------

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

APR 20 2007

Application Number: 10/060,027
Filing Date: January 28, 2002
Appellant(s): LACOUR ET AL.

GROUP 3600

Courtenay B. Allen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/12/07 appealing from the Office action
mailed 6/7/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,136,646

Haber et al.

8-1992

Eldridge, Earle, "More car dealers now videotape sales," USA Today, v. 19, n. 204, p.

1B(1), July 3, 2001.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haber et al. in view of Eldridge.

Haber et al. shows all of the limitations of the claims except for specifying that the communications between a vehicle dealership representative and a consumer would be the object of the audio-visual record.

Haber et al. shows a system for time-stamping a digital document, for example any alphanumeric, video, audio (actuating software to run digital video and audio is inherent, evidence patents have been provided in past office actions), or pictorial data. The representation is transmitted to an outside agency (storage database). The content of a document and a time stamp of its existence are "indelibly" incorporated into the digital data of the document. (column 2, lines 55-57) If further proof were demanded upon adversary allegation, the document or video could be retrieved. (playing stored audio and video in response to an allegation) (column 8, lines 3-5) The disclosure states that in many situations there is a need to establish the date on which a document was created and to prove that the text of a document in question is in fact the same as that of the original dated document. (column 1, lines 6-9)

Art Unit: 3627

Eldridge teaches, abstract, that the growing practice by car dealers of videotaping the sales transactions is done in order to protect customers from their finance and insurance staff.

Based on the teaching of Eldridge, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Haber et al. invention to be used in a car dealership in order to protect the customers.

(10) Response to Argument

A claim map of claim 7 is included for clarity.

Pages 4 and 5 review prior art.

Page 6 asserts that Haber et al. does not disclose a digital audio-visual record. The examiner does not concur. See first two lines in the abstract, (see claim map).

Page 7 asserts that Haber et al. does not show a computer-searchable identifier. The examiner does not concur. The searchable identifier is the time data and the catenate certificate number.

Page 8 asserts that the digital video is not stored in a computer database. The examiner does not concur. How could the Haber system be used in later proof of a document existence if the document or in this case the digital video was not stored somewhere.

Appellant argues that Haber does not store the digital data. This is not claimed. There is no limitation of who is storing the digital data. One must have a copy of the digital document and an identifier together in order to verify the contents of the digital data. It is inherent that digital items have to be stored on a computer, which meets the metes and bounds of the broadly recited "computer database".

Pages 9-14 argue dependent claims and motivation to combine. The examiner will rely on the original rejection on its face value to address these arguments.

Art Unit: 3627

Claim 7

A business method for documenting vehicle purchase transactions comprising the steps of :

creating a digital, audio-visual record of communications between a vehicle dealership representative and a consumer during all or part of a vehicle purchase transaction;

creating a computer-searchable identifier of said digital, audio-visual record; and

storing said digital, audio-visual record and said computer-searchable identifier in a computer database.

Eldridge, Earle; USA Today, v19, n204, p1B(1); July 3, 2001

ABSTRACT:

Privacy advocates are concerned by the growing practice by car dealers of videotaping the sales transactions. The dealers say not to worry that they are doing it to protect customers from their finance and insurance staff from overselling extras or misleading customers.

Haber et al.

ABSTRACT

A system for time-stamping a digital document, for example any alphanumeric, video, audio, or pictorial data, protects the secrecy of the document text and provides a tamper-proof time seal establishing an author's claim to the temporal existence of the document.

Bottom of Haber et al. abstract.

document's existence. In later proof of such existence, the certificate is authenticated by repeating the certification steps with the representation of the alleged document, the alleged time data, and the catenate certificate number appearing in the agency's records immediately prior to the certificate number in question. Only if the alleged document is identical to the original document will the original and repeat certificate numbers match.

The searchable identifier is the time data and the catenate certificate number.

Art Unit: 3627

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Cuff



Conferees:

Vincent Millin



Ryan Zeender

